

MONTANA LEGISLATIVE HISTORY

Chapter 616 19 81

Bill H 403 S _____ Original bill & history / c

H. Committee on Judiciary

Hearing Date(s) 2/2 / c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) 3/6 / c

3/24 / c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes / No

Committee _____

Report _____

CONTENTS

xxxvii

Chap. Num.	Senate Bill	House Bill	Title
			renovation and remodeling of the capitol; amending sections 5-17-101 and 5-17-102, MCA; appropriating funds for committee activities; and providing an immediate effective date.Page 1389
609		874	An act to establish a Water Resources Oversight Committee; appropriating funds for the committee; and providing an effective date and an expiration date.Page 1390
610		876	An act to amend section 3-2-304, MCA, to reflect the current number of justices and to conform it to Article VIII, section 14 of the Constitution of the State of Montana by providing that expenses of the Supreme Court may be paid only out of funds appropriated therefor.Page 1391
611		225	An act to submit to the qualified electors of Montana an amendment to Article VI, section 10, of the Montana Constitution to provide that the Secretary of State shall conduct a poll of all legislators when the Legislature is not in session and the Governor vetoes a bill.Page 1392
612		652	An act to remove the prohibition of disposal of certain radioactive materials in the State of Montana enacted by Initiative 84 and providing for a regulatory system; providing for the control and condemnation of land used for disposal of mill tailings from uranium and thorium ore processing; and revising the laws concerning radiation control; amending sections 75-3-102, 75-3-103, 75-3-104, 75-3-201, 75-3-202, 75-3-302, 75-3-303, 75-30-102, MCA, and section 1 of Initiative 84; providing an effective date; and providing for a referendum.Page 1393
613	283		An act to exempt business inventories from taxation; providing tax credits for business inventory taxes paid prior to exemptions; amending sections 15-6-136, 15-6-202, 15-8-104, and 15-24-301, MCA; and repealing sections 15-24-402 and 15-24-403, MCA; and providing effective dates.Page 1402
614	355		An act to replace the present system of taxation of automobiles and light trucks with a fee system; adjusting the percentage limits on certain financial activities by local governments and providing financial assistance to local governments because of the change in tax base; amending sections 7-1-2111, 7-3-1321, 7-6-2211, 7-6-4121, 7-6-4254, 7-7-107, 7-7-108, 7-7-2101, 7-7-2203, 7-7-4201, 7-7-4202, 7-13-4103, 7-14-236, 7-14-2524, 7-14-2525, 7-14-4402, 7-16-2327, 7-16-4104, 7-31-106, 7-31-107, 7-34-2131, 10-2-301, 10-2-303, 15-6-139, 15-6-140, 15-6-201, 15-8-201, 15-8-202, 15-24-101 through 15-24-105, 15-24-301, 15-30-121, 15-31-114, 15-50-207, 19-11-503, 19-11-504, 20-9-406, 20-9-502, 61-3-303, 61-3-317, 61-3-322, 61-3-332, 61-3-335, 61-3-342, 61-3-501 through 61-3-504, 61-3-507, 61-3-509, 61-3-701, 61-6-302, 61-10-233, and 85-7-2001, MCA; appropriating funds to reimburse local governments for revenue loss caused by implementation of the fee system and providing effective dates.Page 1405
615		488	An act to continuously appropriate money deposited in the wheat research and marketing account to the wheat and research and marketing committee; to allocate committee money for research and development of feeds and foods derived from the byproducts of alcohol production of wheat and barley and to modify the allocation of such money for research and development of fuels derived from wheat and barley; amending section 80-11-222, MCA; and providing effective dates.Page 1436
616		403	An act to provide that only the defendant in a criminal action may raise his lack of fitness to proceed and to make the state liable for the costs of commitment in place of trial and imprisonment; amending sections 46-14-202 and 46-14-221, MCA.Page 1437
617		718	An act to create the Hard-Rock Mining Impact Board; to require mineral developers to submit an economic impact plan to the board; to authorize the board to award grants to impacted units of local government; to provide for tax prepayment for large-scale mineral developments; to provide for the issuance of education impact bonds; amending sections 15-16-201 and 82-4-335, MCA; and providing an immediate effective date.Page 1439

APPROPRIATIONS

HB	1	An act appropriating money for the operation of the Forty-Seventh Legislature and providing an immediate effective date.Page 1451
HB	94	An act to appropriate money to various state agencies for the fiscal year ending June 30, 1981; providing for other matters relating to the appropriations; and providing an effective date.Page 1451

HB 400--KEEDY--TO ELIMINATE THE DISTINCTION BETWEEN TENURE AND NONTENURE
TEACHERS....

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON EDUCATION: 1/21

HEARING: 2/2

MOTION, 2/20, TO TAKE THE BILL FROM COMMITTEE ON EDUCATION AND
PLACE IT ON 2ND READING.

MOTION FAILED, YEAS: 28; NAYS: 66

BILL DIED IN COMMITTEE

HB 401--KEEDY--TO GENERALLY REVISE TERMINATION PROVISIONS FOR
TEACHERS....

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON EDUCATION: 1/21

HEARING: 2/2

BILL DIED IN COMMITTEE

HB 402--KEEDY--TO INCREASE THE FEES PAID TO WITNESSES IN CERTAIN
JUDICIAL PROCEEDINGS.

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON JUDICIARY: 1/21

HEARING: 2/2

REPORT: DO PASS, 2/2

2ND READING: 2/5, YEAS: 82; NAYS: 10

3RD READING: 2/7, YEAS: 85; NAYS: 9

TRANSMITTED TO SENATE: 2/7

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/9

HEARING: 3/10

REPORT: 3/13, ADVERSE REPORT ADOPTED,

YEAS: 33; NAYS: 13

BILL KILLED IN COMMITTEE

HB 403--KEEDY--TO PROVIDE THAT ONLY THE DEFENDANT IN A CRIMINAL ACTION
MAY RAISE HIS LACK OF FITNESS TO PROCEED....

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON JUDICIARY: 1/21

HEARING: 2/2

REPORT: DO PASS AS AMENDED, 2/2

2ND READING: 2/5, YEAS: 82; NAYS: 8

3RD READING: 2/7, YEAS: 81; NAYS: 13

TRANSMITTED TO SENATE: 2/7

REFERRED TO COMMITTEE ON JUDICIARY: 2/9

HEARING: 3/6

REPORT: 3/25, BE CONCURRED IN, AS AMENDED

2ND READING: 3/26, BE CONCURRED IN

3RD READING: 3/28, YEAS: 37; NAYS: 11

RETURNED TO HOUSE WITH AMENDMENTS: 3/28

2ND READING: 4/8, YEAS: 83; NAYS: 0

3RD READING: 4/9, YEAS: 96; NAYS: 1

TRANSMITTED TO GOVERNOR: 4/13

ACTION: RETURNED WITH AMENDMENTS, 4/20

GOVERNOR'S AMENDMENTS

HOUSE 2ND READING: 4/22, BE NOT CONCURRED IN MOTION,

YEAS: 72; NAYS: 14

SENATE 2ND READING: 4/23, BE REJECTED

TRANSMITTED TO GOVERNOR FOR RECONSIDERATION: 4/23
ACTION: 5/18, SIGNED
CHAPTER 616

HB 404—KEEDY—TO REMOVE THE QUALIFICATION THAT A PERSON MUST BE
CITIZEN OF THE UNITED STATES TO BE CERTIFIED AS A TEACHER IN MONTANA

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON EDUCATION: 1/21

HEARING: 2/4

REPORT: DO PASS, 2/9

2ND READING: 2/13 YEAS: 46; NAYS: 52

DO NOT PASS MOTION, 2/13 YEAS: 29; NAYS: 65

MOTION TO RECONSIDER ACTION, 2/13, YEAS: 74; NAYS: 15

DO PASS MOTION, 2/13, YEAS: 67; NAYS: 27

3RD READING: 2/17 YEAS: 68; NAYS: 30

TRANSMITTED TO SENATE: 2/17

REFERRED TO COMMITTEE ON EDUCATION: 2/18

HEARING: 3/6

REPORT: 3/7, BE CONCURRED IN, AS AMENDED

2ND READING: 3/10, YEAS: 31; NAYS: 13

RETURNED TO HOUSE WITH AMENDMENTS:

2ND READING: 3/18 YEAS: 90; NAYS: 0

3RD READING: 3/20 YEAS: 85; NAYS: 8

TRANSMITTED TO GOVERNOR: 3/25

ACTION: SIGNED, 3/27

CHAPTER 165

HB 405—KEEDY—TO PROVIDE FOR PRELIMINARY INJUNCTIONS AND TEMPORARY
RESTRAINING ORDERS TO PROTECT A PERSON FROM ABUSE BY A SPOUSE.

INTRODUCED: 1/21

REFERRED TO COMMITTEE ON JUDICIARY: 1/21

HEARING: 2/2

REPORT: DO PASS, 2/2

2ND READING: 2/5 YEAS: 96; NAYS: 1

3RD READING: 2/7 YEAS: 93; NAYS: 1

TRANSMITTED TO SENATE: 2/7

REFERRED TO COMMITTEE ON JUDICIARY: 2/9

HEARING: 3/6

REPORT: 3/9, BE CONCURRED IN, AS AMENDED

2ND READING: 3/11, BE CONCURRED IN

3RD READING: 3/13, YEAS: 45; NAYS: 2

RETURNED TO HOUSE WITH AMENDMENTS: 3/13

2ND READING: 3/18 YEAS: 89; NAYS: 0

3RD READING: 3/20 YEAS: 93; NAYS: 0

TRANSMITTED TO GOVERNOR: 3/26

ACTION: SIGNED, 3/30

CHAPTER 180

HB 406—CURTISS—TO PROVIDE FOR PAYMENT IN LIEU OF TAXES ON REAL ESTATE
IMPROVEMENTS OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
FISCAL NOTE: REQUIRED

HOUSE BILL NO. 403

INTRODUCED BY

Keedy

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT ONLY THE DEFENDANT IN A CRIMINAL ACTION MAY RAISE HIS LACK OF CAPACITY BY REASON OF MENTAL DISEASE OR DEFECT AND TO MAKE THE STATE LIABLE FOR THE COSTS OF COMMITMENT IN PLACE OF TRIAL AND IMPRISONMENT; AMENDING SECTIONS 46-14-202 AND 46-14-221, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-14-202, MCA, is amended to read:

"46-14-202. Psychiatric examination of defendant. (1)

~~When there is reason to doubt the defendant's fitness to proceed or reason to believe that mental disease or defect of the defendant will otherwise become an issue in the cause~~
If the defendant files a written notice of his intent to rely on a mental disease or defect under 46-14-201, the court shall appoint at least one qualified psychiatrist or shall request the superintendent of Warm Springs state hospital to designate at least one qualified psychiatrist, which designation may be or include himself, to examine and report upon the mental condition of the defendant.

(2) The court may order the defendant to be committed to a hospital or other suitable facility for the purpose of

the examination for a period of not exceeding 60 days or such longer period as the court determines to be necessary for the purpose and may direct that a qualified psychiatrist retained by the defendant be permitted to witness and participate in the examination.

(3) In the examination any method may be employed which is accepted by the medical profession for the examination of those alleged to be suffering from mental disease or defect."

Section 2. Section 46-14-221, MCA, is amended to read:

"46-14-221. Determination of fitness to proceed -- effect of finding of unfitness -- expenses. (1) The issue of the defendant's fitness to proceed may ~~only~~ be raised only by the defendant ~~with the advice of counsel~~. When the issue is raised, it shall be determined by the court. If neither the county attorney nor counsel for the defendant contests the finding of the report filed under 46-14-203, the court may make the determination on the basis of the report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon the hearing, the parties have the right to summon and cross-examine the psychiatrists who joined in the report and to offer evidence upon the issue.

(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be

1 suspended, except as provided in subsection (4) of this
 2 section, and the court shall commit him to the custody of
 3 the director of the department of institutions to be placed
 4 in an appropriate institution of the department of
 5 institutions for so long as the unfitness endures.

6 (3) If the court determines that the defendant lacks
 7 fitness to proceed due to the fact that the person is
 8 developmentally disabled, as defined by 53-20-102, the
 9 proceeding against him shall be suspended, except as
 10 provided in subsection (4) of this section, and the court
 11 shall proceed to secure treatment as provided in chapter 20,
 12 part 1, or chapter 21, part 1, of Title 53.

13 (4) The fact that the defendant is unfit to proceed
 14 does not preclude any legal objection to the prosecution
 15 which is susceptible to fair determination prior to trial
 16 and without the personal participation of the defendant.

17 (5) The expenses of sending the defendant to the
 18 custody of the director of the department of institutions to
 19 be placed in an appropriate institution of the state
 20 department of institutions, of keeping him there, and of
 21 bringing him back are ~~in-the-first-instance~~ chargeable to
 22 the ~~county--in--which--the--indictment--was--found--or--the~~
 23 ~~information--filed~~ state; but the county state may recover
 24 them from the estate of the defendant, if he has any--or
 25 ~~from--a--town--city--or--county--bound--to--provide--for--and~~

1 maintain-him-elsewhere."

-End-

JUDICIARY COMMITTEE

47th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
226	Establishing a fine and requiring revocation of operator's or chauffer's license for failure to insure motor vehicle against liability.	1/22/81	Schultz	Heard in Highway Cmt. 1/20/81	Do Not Pass 2/17/81	2/17/81
396	To adopt the revised uniform enforcement of foreign judgments act.	1/21/81	Anderson	2/02/81	Do Pass as Amended 2/5/81	2/6/81
402	To increase the fees paid to witnesses in certain judicial proceedings.	1/21/81	Keedy	2/02/81	Do Pass 2/02/81	2/02/81
403	To provide that only the defendant in a criminal action may raise his lack of capacity by reason of mental disease.	1/21/81	Keedy	2/02/81	Do Pass as Amended 2/02/81	2/02/81
405	To provide for preliminary injunctions and temporary restraining orders to protect a person from abuse by a spouse.	1/21/81	Keedy	2/02/81	Do Pass 2/02/81	2/02/81
440	Providing a system of fines for violation of the conservation speed limit; amending section 61-8-718, MCA.	1/23/81	Jensen	2/2/81	Do Pass as Amended 2/5/81	2/6/81

HOUSE BILL 403 REP. KEEDY stated there was a problem in the title and offered an amendment to clarify what is meant. On page 2, lines 12, 13 and 14, provides the issue "fitness to proceed". Whether that means he could do it or his counsel suggests he does it, should be a decision that the defendant alone must make.

On page 1 to clear up confusion, when there is reason to expect a defect, the court shall have a professional examination given. If the defendant files a written notice then the examination takes place. The main reason for allowing the defendant only to proceed is the designation to raise the issue. In Jackson v. Indiana there was a violation of a criminal statute and those that are handled civilly. The courts decided that the defendant may be released if more stringent under the criminal code.

TOM HONZEL, County Attorneys, supports this bill, particularly the second change on page 3 dealing with the fitness to proceed. Once the court makes the determination they give him to the Department of Institutions. It is charged back to the county. Some cases are quite high. All these crimes are prosecuted in the name of the state. If the person is found fit to proceed then a guilty verdict is imposed, the Department of Institutions would still be in charge of the person. It is not the county's problem to pay the fee if he is guilty.

There were no other proponents.

CURT CHISHOLM, Department of Institutions, stated the department does not take issue with the bill. There is an obligation that the Department would be responsible for picking up the tab.

N. A. ROTERING, Department of Institutions, does not have any objections to sections 1 and 2 of the bill. ROTERING stated they are sympathetic with the counties but the department will run into extreme financial problems if they are forced to pick up the tab. Some of the counties don't pay. If there were enacted, the Department would even have to pick up the transportation costs. ROTERING felt section 3 should be amended.

There were no further opponents.

In closing REP. KEEDY felt the state was in a much better situation to pick up the tab than the counties were.

REP. YARDLEY questioned if the counties were paying the fee if they stay over 60 days. ROTERING replied the court has only the order to go up to 60 days.

a day. REP. ANDERSON asked REP. MATSKO if police officers were paid the fee. REP. MATSKO replied no.

REP. CURTISS inquired what a court would determine any other necessary expenses. REP. KEEDY stated documents or exhibits, transportation, copies of things, etc.

JIM LEAR read to the committee that jurors receive \$12 for jury duty and \$7.50 for inquests.

The motion of do pass passed with only REP. HANNAH voting against it.

HOUSE BILL 403 REP. KEEDY moved do pass.

REP. KEEDY moved to amend line 6 striking "capacity of mental disease or defect" and inserting "fitness to proceed". The amendment passed unanimously.

REP. BENNETT moved on page 3, line 24 to strike "if he has any". The amendment passed with REP. KEEDY and REP. EUDAILY voting no.

REP. EUDAILY stated he could see the problem the Department of Institutions will have. They will have no way of knowing how many people will be referred to them. Their budget is set up by how many people they now have.

REP. HUENNEKENS stated the burden should be a state function. The county should not have to pay.

REP. KEEDY moved do pass as amended. The motion passed with DAILY, YARDLEY, HANNAH, EUDAILY, BROWN and KEYSER voting no.

HOUSE BILL 405 REP. EUDAILY moved do pass.

REP. HANNAH asked on page 3, line 12 if there was any reason for one year as the time limitation. REP. KEEDY stated the injunction could stand for one year. It would be time consuming and inconvenient to refile every three months or so.

The motion of do pass carried. REP. SHELDEN was absent during the vote.

The meeting adjourned at 11:15 a.m.


KERRY KEYSER, CHAIRMAN
Mr.

VISITORS' REGISTER

HOUSE

JUDICIARY

COMMITTEE

403

2/3/81

TRILL

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORTY-SEVENTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>HOUSE</u> <u>BILL NO.</u>	<u>ENTERED</u> <u>COMM.</u>	<u>DATE</u> <u>CONSIDERED</u>	<u>OUT OF</u> <u>COMM.</u>	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
HB 300	2/14/81	3/11/81	3/21/81					3/21/81	
HB 301	2/04/81	3/04/81	3/04/81					3/04/81	
HB 315	2/05/81	3/04/81	3/04/81				3/04/81		
HB 316	2/04/81	3/06/81	3/14/81						3/14/81
HB 316	3/16/81	3/24/81	3/16/81				3/24/81		
HB 317	2/05/81	3/06/81	3/14/81						3/14/81
HB 335	2/05/81	3/04/81	3/04/81				3/04/81		
HB 379	2/05/81	3/05/81	3/05/81				3/05/81		
HB 379	3/09/81	3/14/81	3/14/81					3/14/81	
HB 396	3/13/81	3/17/81	3/17/81				3/17/81		
HB 403	2/09/81	3/06/81	3/24/81					3/24/81	
HB 405	2/09/81	3/06/81	3/09/81					3/09/81	
HB 480	2/13/81	3/19/81	3/23/81					3/23/81	
HB 485	2/20/81	3/05/81	3/05/81						3/05/81
HB 508	2/16/81	3/05/81	3/05/81				3/05/81		
HB 534	2/18/81	3/11/81	3/14/81				3/14/81		

Use a separate sheet for Senate, House Bills, and Resolutions.

be changed to "when it shall appear", or other language which would require more than someone alleging the abuse had occurred before a person could be forcibly removed from his home.

Senator S. Brown said that he wanted to be sure that the victim could still get a temporary restraining order, and Rep. Keedy said that the new language on page 3 would assure that.

CONSIDERATION OF HOUSE BILL 403:

TO PROVIDE THAT ONLY THE DEFENDANT IN
A CRIMINAL ACTION MAY RAISE HIS LACK
OF FITNESS TO PROCEED.

Rep. Keedy presented the bill, describing it as a by-product of HB 877, which attempted to eliminate the insanity defense in criminal cases. He stated that he would like this bill amended on page 1, line 18, following "46-14-201", by inserting "or raises the issue of his fitness to proceed,". He left a copy of this amendment with this committee (attached Exhibit C).

Tom Honzel, representing the County Attorneys Association, pointed out the language on the bottom of page 2 and the top of page 3, regarding who should pay for the commitment. He said that when a defendant is kept in a mental institution when he has been sent for an evaluation and adjudged not able to stand trial, the fees are charged to the county. He felt that since the state is liable for this cost when the defendant is institutionalized after a trial, it should stand the cost also under the first circumstance. For that reason, he opposed passage of the bill.

Karen Mikota, representing the League of Women Voters, opposed the bill because "with the advice of counsel" on line 14 of page 2 had been stricken.

In closing, Rep. Keedy said that those words had been stricken because they were felt to be unnecessary, since everything done by the defendant would be done on the advice of counsel in any event.

Senator Crippen questioned Rep. Keedy about the case where a county attorney notices during the course of his investigation that the defendant is obviously mentally incompetent but, under this bill, would not have the opportunity to raise that question. Rep. Keedy said that this would be the case, and rightfully so, since the question of guilt or responsibility for the crime should be determined by the adversary system in which the defendant is responsible for raising any defenses he may have.

Senator S. Brown pointed out that this would take away the right of the county attorney and judge to establish insanity in order to save the expense of a needless trial.

Senator Mazurek said that he shared Karen Mikota's concern about the stricken language on line 14 of page 2. He felt that if the defendant is the only one who can raise the defense of mental incompetence, and if he is so incompetent that he is not aware of this possible defense, then he may lose his right to that defense. Rep. Keedy responded that if this committee feels that the stricken language would prohibit the defense attorney from raising the defense of insanity, then the language could be changed to be sure he is included, since prohibiting the defense attorney from so acting was never the intent.

Rep. Keedy added that what he was trying to do was eliminate the possibility of having the sanity question brought up by the prosecutor, against the will of the defendant, with the result that the defendant was locked away in an institution even though it was never his wish to raise the issue as his defense.



Mike Anderson
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date March 6, 1981

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)			✓
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

(5)

NAME: Tom Henge

DATE: 3-6-8/

ADDRESS: Helena

PHONE: 443-5554

REPRESENTING WHOM? County Attorney

APPEARING ON WHICH PROPOSAL: H/D 5- 403, 405-

DO YOU: SUPPORT? HA 403-425 AMEND? OPPOSE? HBS-

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Att. 10

HB 403. suggested amendment.

Page 1, line 18,
Following: "46-14-201,"
insert: "or raises the issue of his fitness
to proceed,"

Michael A. Keedy

DATE March 6, 1981

COMMITTEE ON JUDICIARY

HB 316

HB 5 HB 403

HB 405 HB 317

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Karen Trulotta	L.W.V. observing	317 403 317,5,405		✓ ✓
Susan Sust	Mt Home Ec. Assoc.	405		
Janice Dearth	Domestic Violence Task Force	HB 405	✓	
Carol Borchers	Domestic Violence Task Force	HB 405	✓	
Tom Gleason	CAS. CO. ELECTED OFF.	403		
Paul Clyff Davies	C4PI			
Samuel Irish	self	HB 405	✓	
Jan Brown	Mt Assn Churches	405	✓	

(Please leave prepared statement with Secretary)

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
MARCH 24, 1981

The fifty-first meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

DISPOSITION OF HOUSE BILL 316:

Senator Mazurek moved to reconsider the action taken March 14, which resulted in a "be not concurred in" vote. He said that this bill merely puts into law what the practice has been since 1975. His motion carried unanimously. Senator Mazurek then moved that the bill BE CONCURRED IN, and his motion passed over the objection of Senators Tveit and Olson.

DISPOSITION OF HOUSE BILL 66:

Senator B. Brown moved that the bill BE CONCURRED IN, and his motion passed with Senators Anderson, O'Hara, Olson, and Berg opposing, as shown on the attached roll call vote.

DISPOSITION OF HOUSE BILL 273:

Senator Crippen moved to amend the bill as shown on the attached Committee Report, and his motion passed over the objection of Senators O'Hara and S. Brown. Senator Berg moved that the bill BE NOT CONCURRED IN, since the law is presently adequate if enforced, and his motion passed over Senator S. Browne' objection.

DISPOSITION OF HOUSE BILL 403:

Senator S. Brown moved to amend the bill as shown on the attached Committee Report, and his motion passed over Senator Tveit's objection. Senator S. Brown then moved that the bill BE CONCURRED IN AS AMENDED, and the motion carried over the objection of Senators Anderson, Olson, Crippen, and Tveit, as shown on the attached roll call vote.

DISPOSITION OF HOUSE BILL 12:

Senator O'Hara moved that the bill BE CONCURRED IN, and his motion passed over the opposition of Senators Halligan, Mazurek, Crippen, and B. Brown.

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date March 24, 1981

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

(5)

STANDING COMMITTEE REPORT

March 24, 1931

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 403
KEEDY (MAZUREK)

Respectfully report as follows: That HOUSE Bill No. 403,
~~third reading copy~~
be amended as follows:

1. Page 1, line 17.
Following: "defendant"
Insert: "or his counsel"
2. Line 18, page 1.
Following: "46-14-201"
Insert: "or raises the issue of his fitness to proceed"
3. Page 2, line 14.
Following: "defendant"
Insert: "or his counsel"

And, as so amended,

~~DO-PASS~~

BE CONCURRED IN

Mike Anderson Chairman.

B.A.

SENATE COMMITTEE JUDICIARY

Date March 24, 1981 House Bill No. 403 Time 10:57

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.	✓	
Olson, S. A.		✓
Brown, Bob	✓	
Crippen, Bruce D.		✓
Tveit, Larry J.		✓
Brown, Steve	✓	
Berg, Harry K.	✓	
Mazurek, Joseph P.	✓	
Halligan, Michael	✓	

Robin Campbell
Secretary

Mike Anderson
Chairman

Motion: Concur as amended

(include enough information on motion—put with yellow copy of committee report.)